

## Decision Memo

### 2017 Spring Red Rock District Permit Reissuances

#### USDA Forest Service Red Rock Ranger District, Coconino National Forest Coconino and Yavapai Counties, Arizona

#### Background

The Red Rock Ranger District of the Coconino National Forest seeks to re-issue multiple special-use authorizations for existing permit holders, in compliance with the National Environmental Policy Act.

Eleven permit holders are listed in Table 1, detailing permit holder's names and project locations, with attached Figure 1 map. The district has analyzed the re-issuance of these authorizations based upon the current conditions and compliance of the terms and conditions of the existing permit. Authorized occupancy of National Forest System (NFS) lands acreages vary and are directly related to the type of authorization being issues. Land-use-occupations listed in Table 1 have been in effect for five or more years without resource concerns.

#### Project Overview

Special-use authorizations are how the Forest Service approves and regulates third-party activities that occur on NFS lands for specified purposes. Special-use authorizations may be re-authorized upon expiration of the authorization so long as such use remain consistent with the decision that originally approved the authorization. To comply with the Code of Federal Regulations (36 CFR 251) regarding occupancy of NFS lands, there is a requirement to authorize special-use permits to those occupying NFS lands, where they meet Forest Plan standards and guidelines, and other agency policies. If new multi-year permits are to be authorized, the tenure for each permit authorization would be at the discretion of the responsible official, who is the Coconino National Forest supervisor.

#### Decision

I have decided to approve the issuance of 11 multi-year occupancy special-use authorizations. Re-authorization of special-use permits for a new term would be for the maximum period of 20 years.

Table 1: List of Permits for Reissuance

Current Permit Holder	General Location	Legal Description	Approximate Occupied Land (Acre)	Use Type	Permit Expiration Date
1 - Pine Valley Water Company	Jack Canyon Road area	Sections 9 and 16, T.16N., R.6E., GSRM	0.02	915(Water Transmission Pipeline < 12" dbh)	12/31/2011
2 -The Aerie Conservancy	Intersection of Forest Road 152C and 9584	Sections 5 and 6, T.17N., R.5E., G&SRM and Section 31. T.18N., R.5E., GSRM	7.57	752 (Private Road Easement)	12/31/2015

<b>3 - Boyton Rock</b>	North on Forest Road 152E with the intersection 152C	Section 31, T.18N., R.5E., GSRM	1.26	753 (Private Road Special Use Permit)	12/31/2016
<b>4 - Town of Camp Verde</b>	Adjacent to State Route 260.	Sections 4 and 5, T.13N., R.5E., GSRM	2.70	343 (Sewage Transmission Line)	12/31/2014
<b>5 - Camp Verde Water System</b>	Paralleling County Road 260 from Verde River Bridge along Quarterhorse Road and Howard Road	Section 5, T13N, R5E, GSRM	0.83	915 (Water Transmission Pipeline <12" dbh)	12/31/2015
<b>7 - Mary and Richard Macaluso</b>	East of Forest Road 646	Section 19, T14N, R5E, GSRM	0.11	753 (Private Road Special Use Permit)	12/31/2016
<b>8 - Old Schoolhouse Road Property Owners</b>	East of Yavapai 50	Section 15, T16N, R4E, GSRM	0.77	753 (Private Road Special Use Permit)	12/31/2006
<b>9 - R. Stuckenschneider</b>	East of the intersection State Route 89A and State Route 179 and off of Forest Road 153	Section 8, T17N, R6E, GSRM	0.06	753 (Private Road Special Use Permit)	12/31/2016
<b>11 - Yavapai County</b>	East of the intersection Yavapai 30 and 78 and north of Yavapai 78.	Sections 17 and 18, T15N, R5E, GSRM	1.20	366 (Parking Lot)	12/31/2015
<b>12 - Town of Camp Verde</b>	North of Quarterhorse Lane	Section 9, T.13N., R.5E., GSRM	0.13	923 (Water Diversion Weir)	12/31/2015
<b>15 - City of Sedona</b>	East of State Route 179, Chapel Road.	Section 19, T.17N., R.6E., GSRM	1.46	752(Forest Land Policy and Management Act Easement))	New easement for an existing paved road.

Note: Table 1 and Figure 1 map only show the 11 permits that are part of this decision, with numbering listed as shown in the scoping document distributed Jan. 25, 2018. This decision memo does not include the following: Hogan Lane Property Owners Association for road access; and U.S. Geological Survey for three stream gauges, at the Fossil Creek Bridge, West Clear Creek and Wet Beaver Creek. In these four cases, cost recovery fees were not paid or there are additional resource issues to be addressed. A separate environmental analysis and decision will be made.

To avoid and/or minimize resource impacts to the greatest extent possible, design criteria and best management practices apply to all projects. The following soil/water, invasive weeds, and wildlife protection measures and monitoring requirements are integral to this decision memo.

### ***Hydrology***

- Stay within existing road prisms and provide adequate maintenance to minimize impacts to the road and surrounding areas from storm water runoff.

### ***Noxious or Invasive Weeds***

- Best Management Practices as outlined in the “Final Environmental Impact Statement for Integrated Treatment of Noxious or Invasive Weeds” in 2005 would be followed to incorporate weed prevention and control in the project. The following features would be incorporated into project implementation and monitoring:
  - Avoid driving or parking vehicles and equipment on vegetation adjacent to the road in order to avoid spreading yellow bluestem and other invasive weeds.
  - Maintenance equipment will be kept free of invasive species by washing the equipment with a high pressure washer prior to entering the work zone.
  - Soil disturbance is to be restricted to existing permitted area.
  - Monitor and treat noxious weeds using approved Forest Service eradication methods.
  - Areas where ground disturbance will occur are to be monitored by a qualified weed specialist to ensure that invasive plant species do not become established. If invasive species are documented, manual and/or chemical control would be required.

### ***Wildlife Protection***

The following conservation measures will be incorporated into project implementation and monitoring for authorized occupancy of NFS lands, if applicable:

- Road maintenance shall be done outside of listed bird breeding seasons if species are known to occur in the project area.
- Minimize noise of maintenance equipment high-decibel levels during the breeding season and/or ground-disturbing activities, consultation may then be necessary depending on the scale of maintenance required and level of effect to listed species.

### ***Sensitive Plant Protection***

- Any new ground-disturbing activities will require a new biological review of potential effects to rare plant species and their habitats by the district wildlife biologist.

### ***Engineering***

- In reference to any road maintenance, the permit holder will follow the Coconino National Forest’s Road Maintenance Specifications.

### ***Additional Requirements***

- Permit holder and/or their contractors will observe restrictions and closure orders required by the Coconino National Forest to protect forest resources during routine maintenance activities.

## **Scoping and Public Involvement**

The proposal for this project was listed on the Coconino National Forest’s Schedule of Proposed Actions (SOPA) on Jan. 25, 2018, as open for comment through Feb. 23, 2018. On Jan. 25, a scoping proposal was sent via email or by letter to 32 recipients, made up of interested individuals, organizations, state and federal agencies and local government. The scoping letter with supporting documents was posted to the project’s website (<https://www.fs.usda.gov/project/?project=51085>). At the end of the 30-day comment

period, two comments were received on these proposed new authorizations, but commenters only requested additional information.

### **Tribal Consultation**

Project Leader Steven E. Martinet discussed these special-use permit reissuances with Coconino National Forest Tribal Relations Specialist Craig Johnston. Consultation with the 13 consulting tribes occurred when authorized areas under permit were scoped for reissuance in January 2018. Additionally, these reissuances proposals were listed in the Coconino National Forest's Schedule of Proposed Action, which is mailed out quarterly to the tribes. One email from a tribal member requesting clarification regarding the proposed actions. There were no negative comments from any of tribes received.

### **Exclusion from Further National Environmental Policy Act Analysis**

The Forest Service National Environmental Policy Act (NEPA) Regulation 36 CFR 220.6 provides that a proposed action may be categorically excluded from further analysis and documentation in an Environmental Impact Statement (EIS) or Environmental Assessment (EA) only if there are no resource conditions related to the proposed actions.

- These proposed permit authorizations fall under 220.6(e)(15): *"Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are not changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization."*

### **Relationship to Extraordinary Circumstances**

1. **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species** –The Forest Service biologist has reviewed the project area and referenced biological surveys for the project area. There are no federally listed threatened, endangered, or proposed wildlife or plant species in the project area. There is also no designated critical habitat in the project area. Therefore, there will be no effects to any threatened or endangered wildlife or plant species. Wildlife and botany clearance forms—including a biological review—are in the project file.
2. **Flood plains, wetlands, or municipal watersheds** – This project is not located in a flood plain, wetland, or municipal watershed on NFS land.
3. **Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas** – The project does not occur in any wilderness, wilderness study areas or national recreation areas.
4. **Inventoried roadless areas or potential wilderness areas** – The project does not occur in any inventories roadless areas or potential wilderness areas.
5. **Research natural areas** – No research natural areas are within or adjacent to the existing authorization areas. There will be no effect to research natural areas.
6. **American Indians and Alaska Native religious or cultural sites** – No American Indian religious or cultural sites have been identified. The Forest Service archeologist has cleared these authorization areas to proceed. A heritage resource report is in the project file.





7. **Archaeological sites, or historic properties or areas** – Previous cultural resource surveys were completed for the project area, and no sites were found. The Forest Service archeologist has reviewed the surveys and has cleared the site. If cultural resource sites are discovered during project implementation, construction will cease until the Forest Service archeologist has cleared the site.

### Findings Required by Other Laws and Regulations

**Coconino National Forest Plans:** This project is consistent with the goals, objectives, and management standards of the Coconino National Forest plan, as amended

**National Historic Preservation Act:** Cultural resource surveys have been completed and reviewed by the Forest Service archeologist. Results indicated there were no adverse effects to the historical cultural resources of the area.

**American Indian Religious Freedom Act:** No comments regarding cultural sites were received regarding the project proposal through the January 2018 scoping.

**Endangered Species Act:** The Forest Service biologist has developed a biological assessment for the proposed project area, which considered potential impacts on threatened, endangered or proposed species and their habitats. Based on this analysis, there will be no effects to federally listed species. The U.S. Fish and Wildlife Service concurred with the findings of the biological assessment on March 31, 2017.

**Migratory Bird Treaty Act:** On January 10, 2001, President Clinton signed an Executive Order outlining responsibilities of federal agencies to protect migratory birds. Upon review of the information regarding neotropical migratory birds and the scope of the project, the Forest Service wildlife biologist determined that no significant loss of migratory bird habitat is expected from implementation of this project.

**Clean Water Act:** The proposal is consistent with the Clean Water Act of 1972, as amended in 1977 and 1987. Direction provided in Forest Service Handbook 2509.22 will be used to implement applicable portions of the Clean Water Act for this proposal

**Executive Order 12898 - Environmental Justice:** No environmental justice concerns are anticipated to arise from authorizing the new multi-year special-use permits or were raised by the public during scoping.

### Administrative Review Opportunities

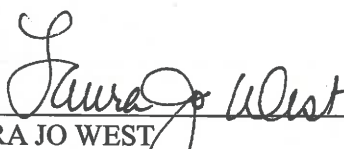
This decision is not subject to administrative review, including objections pursuant to 36 CFR 218.

### Implementation Date

My decision to issue new multi-years permit authorizations to those listed in Table 1 above may be implemented immediately upon signature of this decision memo.

### For More Information

For additional information concerning this decision, contact Elizabeth Munding, NEPA planner, on the Coconino's Red Rock Ranger District, 8375 State Route 179, Sedona, AZ, 86351, or by calling (928) 203-2914. For the project webpage, see <https://www.fs.usda.gov/project/?project=52103>.

  
LAURA JO WEST  
Forest Supervisor, Coconino National Forest

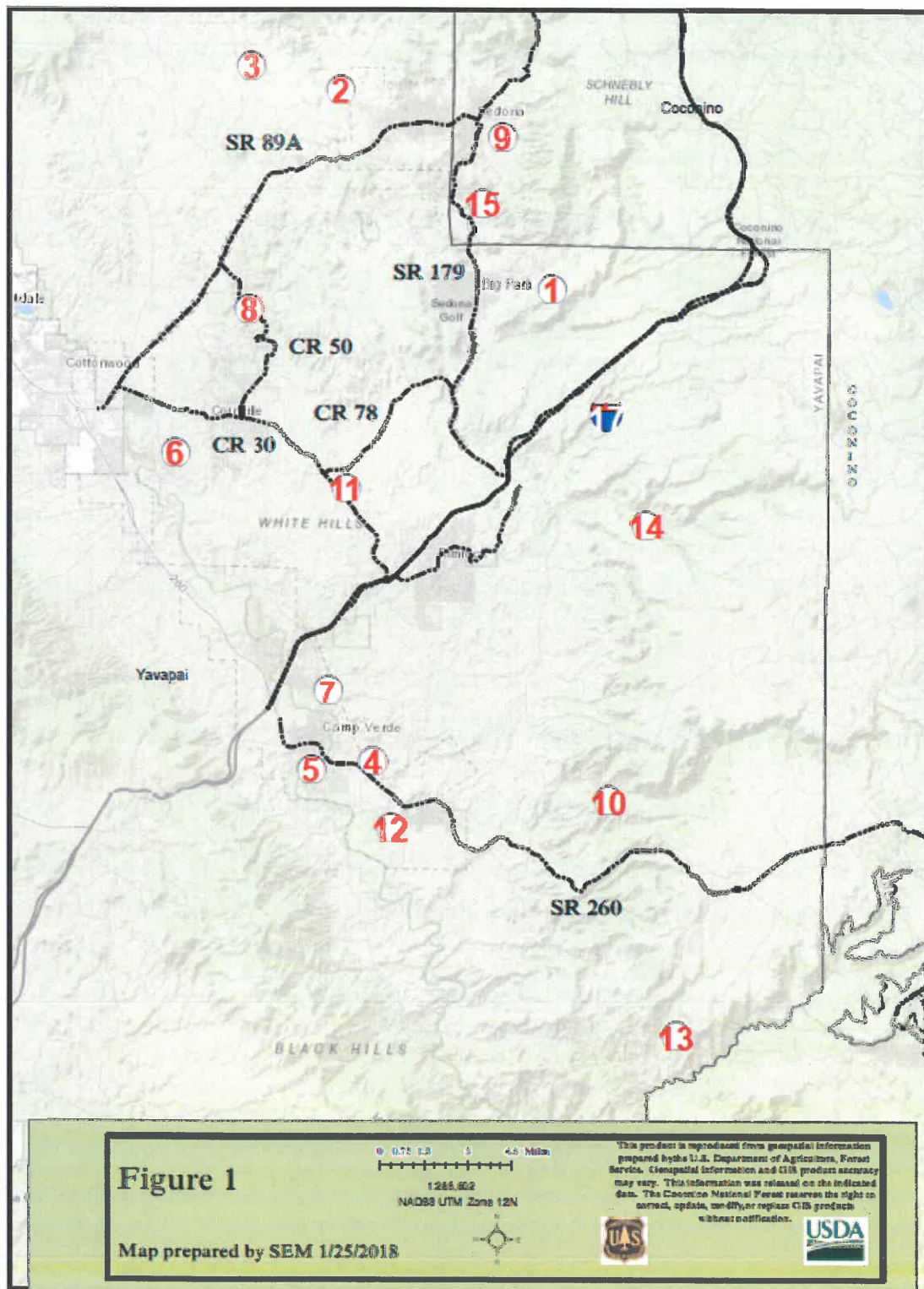
6/18/18  
DATE



**USDA NON-DISCRIMINATION POLICY STATEMENT:** [DR 4300.003 USDA Equal Opportunity Public Notification Policy \(June 2, 2015\)](#) In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

USDA is an equal opportunity provider, employer and lender.

## Red Rock Ranger District Permit Reissuances: Vicinity Map



**Editor's Note:** Figure 1 map shows all 15 permit locations that were proposed in the scoping document distributed Jan. 25, 2018. Only 11 of these permits are part of this decision. Permit locations 6, 10, 13 and 14 are not part of this decision.